

MAY 02 2006

Atty Docket No. 020967-002020US

PTO FAX NO.: 1-571-273-8300

ATTENTION: Examiner Pramila Parthasarathy

Group Art Unit 2136

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER Pramila Parthasarathy**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

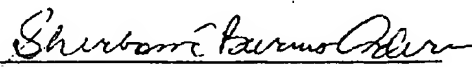
I hereby certify that the following documents in re Application of Sanguthevar RAJASEKARAN, et al., Application No. 10/015,902, filed March 8, 2005 for METHOD AND APPARATUS FOR CAMOUFLAGING OF DATA, INFORMATION AND FUNCTIONAL TRANSFORMATIONS are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Petition to Withdraw Holding of Abandonment and Exhibits A-B; and
2. Declaration Under 37 C.F.R. Section 1.68 of Justin Emerson with attachments.

Number of pages being transmitted, including this page: 16

Dated: May 2, 2006



Sherbonné Barnes-Anderson,  
Prosecution Paralegal Supervisor

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 415-576-0200  
Fax: 415-576-0300  
3891

60763212 v1

MAY 02 2006

I hereby certify that this correspondence is being facsimile  
transmitted to the United States Patent and Trademark Office,  
Fax No. 1-571-273-8300 on May 2, 2006

PATENT  
Docket No.: 020967-002020US

TOWNSEND and TOWNSEND and CREW LLP

By: *Shirboni Baruch Osher*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Sanguthevar RAJASEKARAN, et al.

Application No.: 10/015,902

Filed: March 8, 2005

For: METHOD AND APPARATUS FOR  
CAMOUFLAGING OF DATA,  
INFORMATION AND FUNCTIONAL  
TRANSFORMATIONS

Confirmation No.: 5784

Examiner: Pramila Parthasarathy

Art Unit: 2136

PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT  
UNDER 37 C.F.R. SECTION  
1.181(a) AND M.P.E.P. SECTION  
711.03(c)I FOR FAILURE TO  
RECEIVE OFFICE ACTION

May 2, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition under 37 C.F.R. 1.181(a) that the holding of abandonment for the above-referenced patent application be withdrawn in accord with M.P.E.P. Section 711.03(c)I. In support of this petition, we provide the following:

1. The above-referenced application was transferred by applicants from the prior attorneys of record to the instant attorneys of record in January, 2004. A Revocation and Power of Attorney by Assignee and a Statement Under 3.73(b) were filed in the U.S. Patent and Trademark Office on February 23, 2004. A copy of the Power of Attorney and Statement, along with a copy of the postcard receipt showing the USPTO Mailroom stamp of February 25, 2004, are enclosed as Exhibit A. Applicants

Sanguthevar RAJASEKARAN, et al.  
Application No.: 10/015,902  
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**respectfully request that this Power and Change of Correspondence Address be made of record.**

2. The first Office Action in the above-referenced application was mailed to the prior attorneys by the U.S. Patent Office on March 8, 2005, and was forwarded to applicants' attorneys of record by prior counsel. A responsive Amendment was timely filed by applicants' attorneys of record on July 8, 2005. A copy of the postcard showing the USPTO Mailroom stamp of July 11, 2005 is enclosed as Exhibit B. The Response is duly listed in the PAIR system as being received on July 11, 2005.

3. No further correspondence from the U.S. Patent and Trademark Office has been received in this case by the undersigned practitioner of record.

4. The USPTO Examiner telephoned the undersigned practitioner of record on April 13, 2006 to inform him that a reply to a Final Office Action dated October 5, 2005 had not been received, and the application was being abandoned. The undersigned practitioner of record was unaware that such a final Office Action had been issued.

5. Facts showing that the entire delay in filing the required reply was unavoidable, from the due date for the reply until the filing of the present Petition, are set forth below and substantiated by an attached Declaration under 37 C.F.R. Section 1.68 of Justin Emerson.

6. Because the present application was filed after June 8, 1995, applicants note that no Terminal Disclaimer is required under 37 C.F.R. 137(a)(4) and (c).

7. Applicants' undersigned attorneys of record have within three weeks prepared and filed this Petition to Withdraw Holding of Abandonment, which is well within the two-month period from the notice of abandonment telephone call. Therefore, this Petition is timely.

8. Please refer to the attached Declaration under 37 C.F.R. Section 1.68 of Justin Emerson, a docketing clerk in our U.S. docket department. Mr. Emerson has been a docketing clerk in our U.S. docket department for about one and one-half years. As mentioned in his Declaration, there is no record of our U.S. docket department ever

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Application No.: 10/015,902  
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having received the final Office Action dated October 5, 2005 for this application. Accordingly, as far as we are aware, such an Office Action was never received by us.

9. Attached to Mr. Emerson's Declaration is the relevant page of Townsend and Townsend and Crew LLP's "Patent and Trademark Chronological Docket." Since the docket includes other clients' matters, information specific to those matters has been redacted to preserve confidentiality. A copy of relevant page 2 of the docket is enclosed, where the non-received final Office Action communication would have been entered had it been received. A docket date corresponding to the Response to Office Action would have appeared where indicated by an arrow, since the docket report is sorted by due date and then by client file number.

10. Applicants' undersigned practitioner of record states that he did not receive the final Office Action dated October 5, 2005, and that he has diligently searched the file jacket and docket records to confirm that the final Office Action was never received.

11. Since an Office Action was never received, applicants were unable to file a timely response. In addition, the U.S. Patent and Trademark Office failed to make of record the Revocation and Power of Attorney and Change of Correspondence Address documents filed February 23, 2004. The U.S. Patent and Trademark Office apparently therefore mailed the Office Action to the prior practitioner. As the delay in responding to the Office Action was unavoidable, we hereby petition the Commissioner for Patents to withdraw the holding of abandonment, in view of *Delgar v. Schuyler*, 172 USPQ 513 (DDC 1971), MPEP §711.03(c)II, and 1156 OG 53, Nov. 16, 1993. The *Delgar* case suggests that in appropriate cases, the Assistant Commissioner of Patents may authorize the Examiner to withdraw a holding of abandonment.

No Petition fee is believed to be required in this instance, but if the U.S. Patent and Trademark Office disagrees with this, please charge the Petition fee set forth

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Application No.: 10/015,902  
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in 37 C.F.R. 1.17(l) to the undersigned's Deposit Account No. 20-1430. Please charge any additional fees or credit overpayment to the above deposit account.

Respectfully submitted,



C. Bart Sullivan  
Reg. No. 41,516

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
CBS:sba

60751586 v1

# EXHIBIT A

**BEST AVAILABLE COPY**

TO THE U.S. PATENT AND TRADEMARK OFFICE  
Please stamp and date of receipt of the following document(s)

RE: as set forth in Schedule A appended hereto  
TITLE OF DOCUMENT(S):

Power of Attorney, Statements Under 37 CFR 37.373(b)

Application Nos. as set forth in Schedule A appended hereto  
File Nos. 020967-001700, 001710, 001720, 001730, 001800, 002010,  
002020, 002110, 002300 and 002410US

Date Due

Date Mailed 2-23-04

Attny/Secty. PHA/lc  
60147029 v1



**COPY**

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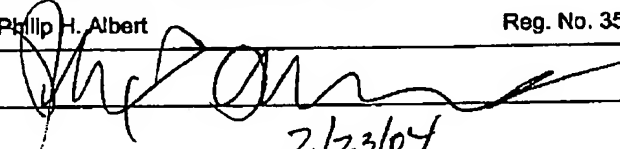
008/016

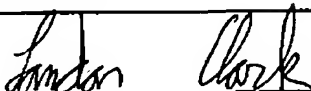
MAY 02 2006

PTO/SB/21 (08-03)

|   |    |                        |  |
|---|----|------------------------|--|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) |    | Application Number     | as set forth in Schedule A appended hereto |
|   |    | Filing Date            | as set forth in Schedule A appended hereto |
|   |    | First Named Inventor   |  |
|   |    | Art Unit               |  |
|   |    | Examiner Name          |  |
| Total Number of Pages in This Submission  | 13 | Attorney Docket Number | as set forth in Schedule A appended hereto |

| ENCLOSURES (Check all that apply)   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return Postcard<br>Statements Under 37 CFR |
| Remarks   |   | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |  |
|--|--|
| Firm or Individual                         | Townsend and Townsend and Crew LLP<br>Philip H. Albert Reg. No. 35,819               |
| Signature                                  |  |
| Date                                       | 2/23/04  |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |      |         |
|---|---|------|---------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |   |      |         |
| Typed or printed name   | Landon Clark  |      |         |
| Signature   |  | Date | 2-23-04 |

60147019 v1

COPY



PTO/SB/82 (09-03)

|  |                            |  |
|--|----------------------------|--|
| <b>REVOCATION OF POWER OF ATTORNEY WITH<br/>NEW POWER OF ATTORNEY<br/>AND<br/>CHANGE OF CORRESPONDENCE ADDRESS</b> | Application/Patent Numbers | as set forth in Schedule A appended hereto |
|  | Filing/Issue Dates         | as set forth in Schedule A appended hereto |
|  | Attorney Docket Numbers    | as set forth in Schedule A appended hereto |

I hereby revoke all previous powers of attorney given in the above-identified application:

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

20350

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with Customer Number: 20350

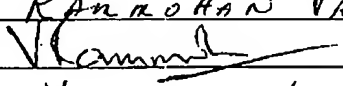
OR

|  |  |       |  |     |  |
|--|--|-------|--|-----|--|
| <input type="checkbox"/> Firm or Individual Name |  |       |  |     |  |
| Address  |  |       |  |     |  |
| Address  |  |       |  |     |  |
| City   |  | State |  | ZIP |  |
| Country  |  |       |  |     |  |
| Telephone  |  | Fax   |  |     |  |

I am the:

- ☐ Applicant/Inventor.
- ☒ Assignee of record. See 37 CFR 3.71.  
Statements under 37 CFR 3.73(b) are enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

|           |   |           |              |
|-----------|---|-----------|--------------|
| Name      | RANMOHAN VARADARAJAN  |           |              |
| Signature |  |           |              |
| Date      | Feb 5, 2004   | Telephone | 408 969-6121 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of forms are submitted.

60110158 v1

**Schedule A (as attached to PTO/S-81)**

| <b>Application No.<br/>Filing Date</b> | <b>Patent No.<br/>Issue Date</b> | <b>Attorney Docket No.</b> |
|--|----------------------------------|----------------------------|
| 08/996,758<br>December 23, 1997        | 6,170,058<br>January 2, 2001     | 020967-001700US            |
| 09/196,430<br>November 19, 1998        | 6,263,446<br>July 17, 2001       | 020967-001710US            |
| 09/249,043<br>February 12, 1999        | 6,209,102<br>March 27, 2001      | 020967-001800US            |
|  |                                  |                            |
| 09/750,511<br>December 27, 2000        |                                  | 020967-001720US            |
| 09/843,583<br>April 26, 2001           |                                  | 020967-001730US            |
| 09/874,795<br>June 5, 2001             |                                  | 020967-002010US            |
| 10/015,902<br>October 30, 2001         |                                  | 020967-002020US            |
| 10/094,036<br>March 8, 2002            |                                  | 020967-002300US            |
| 10/225,935<br>August 22, 2002          |                                  | 020967-002110US            |
| 10/453,979<br>June 4, 2003             |                                  | 020967-002410US            |

# EXHIBIT B

**TO THE U.S. PATENT AND TRADEMARK OFFICE:**

Please stamp your date of receipt of the following documents and return this card to addressee:

Attny. Docket No.: 020697-002020US  
 Application No.: 10/015,902  
 Titled: METHOD AND APPARATUS FOR CAMOUFLAGING OF  
 DATA INFORMATION AND FUNCTIONAL TRANSFORMATIONS  
 Inventor(s): Sanguthevar RAJASEKARAN, et al.  
 Date Mailed: July 8, 2005  
 Atty/Secy: CBSrgy

Enclosed are:

- 1) Transmittal Form - 1 page;
- 2) Petition for Extension of Time - 1 page, in duplicate
- 3) Amendment - 29 pages;
- 4) Return Receipt Postcard - 1

Total Pages: 33

60533568 v1

**TO THE U.S. PATENT AND TRADEMARK OFFICE:**

Please stamp your date of receipt of the following documents and return this card to addressee:

Attny. Docket No.: 020697-002020US  
 Application No.: 10/015,902  
 Titled: METHOD AND APPARATUS FOR CAMOUFLAGING OF  
 DATA INFORMATION AND FUNCTIONAL TRANSFORMATIONS  
 Inventor(s): Sanguthevar RAJASEKARAN, et al.  
 Date Mailed: July 8, 2005  
 Atty/Secy: CBSrgy

Enclosed are:

- 1) Transmittal Form - 1 page;
- 2) Petition for Extension of Time - 1 page, in duplicate
- 3) Amendment - 29 pages;
- 4) Return Receipt Postcard - 1

Total Pages: 33

60533568 v1

USPS 3612 10-2004



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013/016

MAY 02 2006

PATENT  
Docket No.: 020967-002020US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Sanguthevar RAJASEKARAN, et al.

Application No.: 10/015,902

Filed: March 8, 2005

For: METHOD AND APPARATUS FOR  
CAMOUFLAGING OF DATA,  
INFORMATION AND FUNCTIONAL  
TRANSFORMATIONS

Examiner: Pramila Parthasarathy

Art Unit: 2136

DECLARATION UNDER 37 C.F.R.  
SECTION 1.68 OF JUSTIN EMERSON

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, JUSTIN EMERSON, declare as follows:

1. I am a docketing clerk with the U.S. Docket Department at Townsend and Townsend and Crew LLP (TTC), San Francisco, California. I have been a docketing clerk at TTC since 2004.

2. (a) Under standard TTC operating procedures, Office Actions received from the United States Patent and Trademark Office (USPTO) are entered in TTC's "Patent and Mark Docket Chronological" by their due date(s). Accordingly, if an Office Action was mailed October 5, 2005, and had been received by TTC on any date, it would have been entered with a due date of January 5, 2006.

(b) I have reviewed the docket entries for items due January 5, 2006, as well as the week before and the week after January 5, 2006, and found none corresponding to the subject application.

(c) Attached is an excerpt of the relevant part of the Docket identifying entries having a due date of January 5, 2006.

(d) The client names and application numbers have been redacted to preserve client confidentiality.

Rajasekaran, et al.  
Application No.: 10/015,902  
Page 2

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(e) The docket entry for the subject non-received Response to Office Action would have been listed on page 2, given that matters for a given date are ordered by client number and matter number. This page shows client numbers to confirm that this matter would have been on this page. No such entry is listed.

3. (a) Under standard TTC operating procedures, Office Actions received from the United States Patent and Trademark Office (USPTO) are entered in TTC's "Patent and Mark Docket Chronological." Accordingly, if an Office Action had been received by TTC, it would have been entered in the subject application's record in the docketing system.

(b) I have reviewed the docket entries for the subject application.

(c) Attached is a screen print of the Docket entitled "Patent Record Sheet - Diary" showing all entries for the subject application. The docket entries are ordered in chronological order within categories, with "events" appearing first, followed by "manual action" items, followed by "automatic action" items.

(d) The last entry was for the response filed on July 8, 2005, and its follow-up status check, entered on July 14, 2005. No subsequent entry is listed.

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

  
Justin Emerson

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
CBS:sba  
60762328 v1

| Date<br>Client/Matter (Pat/TM)<br>{Client Reference No} | Action/Events<br>Notes  | Title/Mark<br>Client | App - Reg No<br>Filing - Issue Date | Country<br>Status            | Bill - Resp Party<br>Other Attys |
|---|---|----------------------|-------------------------------------|------------------------------|----------------------------------|
| Due Date: 01/04/2006<br>019491-<br>(Pat)1/4/2006        | File Non-Provisional Application<br>non-provisional filed 4-4-05 (019491-<br>009910US)  | [REDACTED]           | [REDACTED]<br>1/4/2005              | US<br>Pending                | PHA - GTG<br>GTG                 |
| Due Date: 01/04/2006<br>019491-<br>(Pat)1/4/2006        | Foreign Filing Deadline<br>rec'd instructions to file a PCT<br>11/23/05; if notification sent to GTG<br>for sig. 9/28/05 & 11/10/05; non-<br>provisional filed 4-4-05 (019491-<br>009910US) | [REDACTED]           | [REDACTED]<br>1/4/2005              | US<br>Pending                | PHA - GTG<br>GTG                 |
| Due Date: 01/04/2006<br>021735-<br>(Pat)1/4/2006        | Response to Office Action   | [REDACTED]           | [REDACTED]<br>4/17/2003             | US<br>Pending -<br>Published | PHA - GTG<br>GTG                 |
| Due Date: 01/05/2006<br>019491-<br>(Pat)1/5/2006        | 4-Mo Foreign Filing Reminder  | [REDACTED]           | [REDACTED]<br>5/5/2005              | US<br>Pending                | PHA - PHA                        |
| Due Date: 01/06/2006<br>016747-<br>(Pat)1/6/2006        | Issue Fee<br>Check re: filing continuation/division;<br>Patent Term Adjustment: 691 day   | [REDACTED]           | [REDACTED]<br>8/22/2000             | US<br>Pending                | BSS - CBS<br>CBS PHA             |
| Due Date: 01/06/2006<br>019186-<br>(Pat)1/6/2006        | Missing Parts (1 Mo Ext)  | [REDACTED]           | [REDACTED]<br>9/13/2005             | US<br>Pending                | PHA - CBS<br>CBS                 |
| Due Date: 01/06/2006<br>019491-<br>(Pat)1/6/2006        | 4-Mo Foreign Filing Reminder  | [REDACTED]           | [REDACTED]<br>5/6/2005              | US<br>Pending                | PHA - PHA                        |
| Due Date: 01/06/2006<br>026038-<br>(Pat)1/6/2006        | IDS (Inf Disc Stmt.) deadline   | [REDACTED]           | [REDACTED]<br>10/6/2005             | US<br>Pending                | PHA - TSP<br>RBH                 |
| Due Date: 01/06/2006<br>026038-<br>(Pat)1/6/2006        | IDS (Inf Disc Stmt.) deadline   | [REDACTED]           | [REDACTED]<br>10/6/2005             | US<br>Pending                | PHA - TSP<br>RBH                 |
| Due Date: 01/06/2006<br>026038-<br>(Pat)1/6/2006        | Target Filing Date - 3 mo. Reminder<br>original target filing date 10-6-05  | [REDACTED]           | [REDACTED]                          | US<br>Not yet filed          | PHA - RBH<br>RBH                 |

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## Patent Record Sheet

## Diary

| Docketed    | Action / Event<br>Notes  | Recorded No | Reminder | Due         | Done/Record | Resp Party |
|-------------|--|-------------|----------|-------------|-------------|------------|
| 08-Jan-2004 | Application Date   | 10/015902   |          |             | 30-Oct-2001 |            |
| 08-Jan-2004 | Assignment Recorded ?<br>notice 2-14-02  |             |          |             | 30-Oct-2001 |            |
| 08-Jan-2004 | Publ: First  |             |          |             | 27-Jun-2002 |            |
| 26-Dec-2003 | Date Created   |             |          |             | 26-Dec-2003 |            |
| 08-Jan-2004 | Transfer In Date   |             |          |             | 08-Jan-2004 |            |
| 08-Mar-2004 | Power of Attorney  |             |          |             | 23-Feb-2004 |            |
| 18-Mar-2005 | Office Action Mailing Date (3 Mo)<br>received at Skadden Arps et al. 03/??/05; received at TTC SF 03/18/05 |             |          |             | 08-Mar-2005 |            |
| 18-Mar-2005 | Response to Office Action  |             |          | 08-Jun-2005 | 08-Jul-2005 | CBS        |
| 14-Jul-2005 | Check PAIR- No PTO Action 6 Mos. After Response  |             |          | 08-Jan-2006 |             | LLC        |

Date created 26-Dec-2003

Created by MS

Date Amended 14-Jul-2005

Updated by MS